

**Amendments to the Claims:**

The listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1.-9. (Canceled)

10. (Currently Amended) A safety device for a motor vehicle, comprising at least one closable opening of the interior, a closing element driven by a servo drive for closing the opening, and a control unit is configured to evaluate safety-related data when the motor vehicle is in motion and to activate the servo drive at such time that the closing element is moved from an open position in a closing direction or from a closed position in an opening direction into a predetermined an intermediate position, in which the closable opening has become substantially closed but still has an open gap prior to upon occurrence of an anticipated accident.

11. (Canceled)

12. (Previously Presented) The safety device as claimed in claim 10, wherein a size of the open gap is an individually preset table.

13. (Previously Presented) The safety device as claimed in claim 10, wherein the closing element is one of a side window and a sliding roof.

14. (Previously Presented) The safety device as claimed in claim 10, wherein the servo drive is configured to have a quick closing function activateable by the control unit upon activation of the server drive.

15. (Previously Presented) The safety device as claimed in claim 10, wherein the safety-related data comprise driving state variables.

16. (Previously Presented) The safety device as claimed in claim 10, wherein the safety-related data comprise ambient data.

17. (Previously Presented) The safety device as claimed in claim 10, wherein the safety-related data comprise evaluated driver activities.

18. (Currently Amended) The safety device as claimed in claim 10, wherein the closing element is returned to its original position in the event the anticipated accident does not occur.